

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

02 APR -1 PM 3: 52

JAMES DENNY FERGUSON,

Plaintiff,

**VS.**

TRACY GASKIN, ET AL.,

**Defendants.**

) ) ) ) ) ) ) ) ) )

CV-00-H-0910-W

**ENTERED**

APR - 1 2002

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 5, 2002, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous, for failure to state a claim upon which relief may be granted, and because plaintiff seeks monetary relief from defendants who are immune from such relief pursuant to 28 U.S.C. § 1915(e)(2)(B). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed as frivolous, for failure to state a claim upon which relief may be granted, and because plaintiff seeks monetary relief from defendants who are immune from such relief pursuant to 28 U.S.C. § 1915(e)(2)(B). A Final Judgment will be entered.

DATED this 1<sup>st</sup> day of April, 2002.

James W. Hancock  
UNITED STATES DISTRICT JUDGE

6